



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
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Seattle, Washington 98101-3140

September 24, 2021

PLACE HOLDER DOCUMENT

FOIA Case Number: EPA-R10-2019-008247

Description: Draft comments from EPA to the Army Corps on Pebble, linked here: https://www.eenews.net/assets/2019/08/15/document_gw_01.pdf, and all emails, texts and written communications sent after June 1 and until Aug. 16 that address Pebble's proposed 2014 determination and that were sent to or from Region 10 Administrator Chris Hladick, sent to or from EPA Administrator Andrew Wheeler, sent to or from EPA General Counsel Matthew Leopold, sent to or from Pebble Limited CEO Tom Collier

Records responsive to this request were previously released to the public under the FOIA Tracking Number listed below:

EPA-R10-2019-008233

Type the FOIA Tracking Number in the search box in the upper right-hand corner of FOIAonline's home page. Click on the Tracking Number link, scroll down to the section titled 'Released Records' then select the file(s) you want to download.

The EPA has released 4,511 records in response to this request. In addition, the EPA has withheld 412 records in full.

Records or portions of records are being withheld pursuant to:

- 5 U.S.C. § 552(b)(4), Confidential or Proprietary Business Information, including copyright;
- 5 U.S.C. § 552(b)(6), Personal Privacy;
- 5 U.S.C. § 552(b)(5), Deliberative Process Privilege;
- 5 U.S.C. § 552(b)(5), Attorney Client Privilege; and
- 5 U.S.C. § 552(b)(5), Attorney Work Product.

Certain records or portions of records are exempt from disclosure because they are commercial or financial information obtained from a person that is privileged or

confidential, contain personal information which would be an unwarranted invasion of personal privacy if released, are predecisional and deliberative and would harm agency decision making if released, are confidential communications between an agency attorney and client concerning legal advice, and/or are documents prepared by, or at the direction of, an attorney in contemplation of litigation. For the records partially withheld, the reasons for the withholdings are printed over the redactions. The records withheld in full include:

- Exemption 5 Deliberative Process – 402 records
 - Internal drafts of press releases, frequently asked questions, talking points, and other external press or communications regarding withdrawal of the proposed determination
 - Internal correspondence, meeting agenda topics, and internal drafts of briefing documents regarding withdrawal of the proposed determination
 - Internal drafts of proposed determination withdrawal notices
 - Internal drafts of responses to Congressional inquiries regarding the proposed determination; internal drafts of Congressional hearing factsheets
 - Internal drafts of the delegation of authority for Pebble Mine decisions; internal drafts of recusal statements
 - Internal drafts of responses to media inquiries
 - Internal drafts of EPA comment letters regarding the Pebble Mine permitting process
 - Internal drafts of responses to comments and controlled correspondence regarding the proposed determination and Pebble Mine permitting process
 - Notes from meetings evaluating options regarding the proposed determination and Pebble Mine permitting process
 - Draft legal memorandums, legal strategy documents, briefing documents, and internal settlement proposals regarding litigation concerning the proposed determination
- Exemption 5 Attorney Client – 51 records
 - Attorney comments and legal advice/analysis on:
 - Internal drafts of proposed determination withdrawal notices, talking points, and other draft outreach documents
 - Internal drafts containing attorney analysis of Agency options regarding the permitting process
 - Internal drafts of responses to Congressional inquiries regarding the proposed determination
 - Internal drafts of responses to media inquiries
 - Draft litigation hold notices
 - Draft legal memorandums, legal strategy documents, briefing documents, and internal settlement proposals regarding litigation concerning the proposed determination
 - Draft responses to controlled correspondence regarding the proposed determination and Pebble Mine permitting process

- Exemption 5 Attorney Work Product – 22 records. Includes legal memorandums, legal strategy documents, litigation hold notices, briefing documents, and internal settlement proposals prepared by, or at the request of an EPA attorney, regarding litigation concerning the proposed determination.
- Exemption 6 Personal Privacy – one record withheld in full under Ex. 5 deliberative process also includes information exempt under Ex. 6 (cell phone number).

For information about this disposition contact:

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